



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,845	05/29/2001	Chaitan Khosla	300622005500	7453
25225	7590	08/08/2007		
MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			EXAMINER ZHOU, SHUBO	
			ART UNIT 1631	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09867845	5/29/01	KHOSLA ET AL.	300622005500

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

Shubo (Joe). Zhou

ART UNIT	PAPER
1631	20070805

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed 5/29/07 is not responsive to the previous Office action mailed 11/30/06 for the following reasons:

The amended claims are drawn to an invention that is related to but distinct from the originally elected invention Group IV (independent claim 14, etc.). The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, the original claims are drawn to a method comprising the steps of (a) defining a string of alphanumeric symbols representing the structure of a polyketide, (b) comparing the string to a database of strings of alphanumeric symbols representing polyketides producible by PKS genes, (c) identifying common elements in said string representing the structure of said desired polyketide with elements in said strings in said database, and (d) generating one or more new strings from elements identified that have an exact match with the string representing the structure of the desired polyketide. The amended claims, however, are drawn to a method comprising (a) defining the structure of the desired polyketide by a first string of alphanumeric symbols, wherein each symbol in the first string represents a monomer unit of the polyketide, (b) comparing the first string to a second string from a database, wherein the database comprises at least one second string of alphanumeric symbols representing a known polyketide, and wherein each symbol in the second string represents a monomer unit of the known polyketide and also represents a module of the polyketide synthase responsible for introducing the monomer unit into the known polyketide, (c) identifying a common symbol or continuous sequence of symbols in said first and second strings, (d) optionally repeating steps (b) and (c), and (e) generating an alignment, wherein the alignment consists of a combination of common symbols identified from the database such that the sequence of symbols in the alignment. It is clear that most of the steps are distinct. For example, the previous step (a) defines a string of symbols while the new step (a) defines a structure of a polyketide; the previous step (b) compares the defined string with a database of strings whereas the new step (b) compares a first string with a second string; the previous step (c) identifying elements that are common in the defined string and in the database strings while the new step (c) identifies a common symbol or contiguous sequence of symbols in the first and the second strings; and the previous step (d) generates one or more new strings from the elements identified whereas the new step (e) generates an alignment. Thus, the two inventions are mutually exclusive, not obvious variants and have different modes of actions, functions and effects, and produce different results.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this letter, whichever is longer, or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shubo (Joe) Zhou, whose telephone number is 571-272-0724. The examiner can normally be reached Monday-Friday from 8 A.M. to 4 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on 571-272-0735.

/Shubo (Joe) Zhou/

SHUBO (JOE) ZHOU, PH.D.
PRIMARY EXAMINER